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ARTICLE 1. ADMINISTRATIVE ORGANIZATION, DUTIES AND PROCEDURES

R9-19-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Abortional act" means a procedure or procedures by which an induced termination of pregnancy is performed.
2. "Coffin or casket" means a strong, tight, encasement composed of either natural or synthetic materials designed specifically for the interment of a body and which will ensure against menaces to the public health.
3. "Cremation" means the complete reduction of a dead human body by means of heat or fire.
4. "Delayed birth registration" means the registration of a birth on or after the registrant's first birthday.
5. "Delayed death registration" means the registration of a death or fetal death one year or more following the date of death.
6. "Department" means the Department of Health Services.
7. "Embalm" means the disinfection and preservation of a dead human body.
8. "Form" means any certificate, application, or other official document issued by the State Registrar.
9. "Independent factual document" means a record, paper, or writing which is not an affidavit and which:
 - a. Memorializes a transaction, billing, legal relationship, or occurrence;
 - b. Evidences the facts sought to be established by or for a registrant; and
 - c. Was prepared, created, printed, or authored by a person, company, corporation, or business that is neither the registrant nor related to the registrant.
10. "Interment" means burial of the remains of a deceased individual:
 - a. In an earthen grave of sufficient depth to protect against exposure of the deceased; or
 - b. In a crypt or vault of a mausoleum or other durable, fireproof structure which is used for permanent disposition of dead human bodies.

11. "Late birth registration" means the registration of a birth after the seven-day period prescribed by law but before the registrant's first birthday.
12. "Late death registration" means the registration of a death or fetal death after the three-day period prescribed by law but less than one year following the date of death.
13. "Legitimation" means the declaration of paternity of a child together with the legal marriage of the natural parents.
14. "Person acting as a funeral director" means a person other than a licensed funeral director who has assumed the responsibility for the disposition of a dead human body.
15. "Registrant" means the person named on the certificate whom the recorded event primarily concerns.

Historical Note

Former Section R9-19-101 repealed, new Section R9-19-101 renumbered from R9-19-102 and amended effective July 31, 1989 (Supp. 89-3). Amended effective February 12, 1996 (Supp. 96-1).

R9-19-102. Establishment of registration districts

- A. Each county may be a registration district. Each county having a population of less than 200,000 may, in whole or in part, be a Class B registration district.
- B. Geographical or political subdivisions of a county may be Class B registration districts, as needed, to ensure a complete and efficient registration system.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-102 renumbered to R9-19-101, new Section R9-19-102 renumbered from R9-19-106 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-103. Authority of local registrars

- A. The local registrar of a Class A registration district or a Class B registration district which encompasses a complete county shall have authority throughout the county and shall have the title of county registrar. In all other cases, local registrars of Class B registration districts shall have authority only within their duly assigned districts.
- B. In Class B registration districts where there is no county registrar, the State Registrar shall assume the functions of the county registrar until such time as a county registrar is appointed.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-103 repealed, new Section R9-19-103 renumbered from R9-19-107 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-104. Duties of local registrars

In addition to the duties outlined in A.R.S. § 36-308, each local registrar shall:

1. Promptly register every properly completed certificate received;
2. Be available for registration duties during normal working hours. When a local registrar is to be absent during any normal working day, the local registrar shall designate a deputy local registrar who shall assume all the duties and responsibilities of the office. In the event the absence or incapacity of the local registrar extends beyond ten days, the State Registrar shall be notified of such designation;

3. Make reasonable arrangements to enable funeral directors to obtain disposal-transit permits during non-working hours;
4. Keep timely and accurate records pertaining to registration duties; and
5. Report all deaths to the medical examiner as required pursuant to R9-19-112.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-104 repealed, new Section R9-19-104 renumbered from R9-19-109 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-105. Removal of local registrars

The State Registrar may remove a local registrar, pursuant to A.R.S. § 36-307(B), or for any of the following causes:

1. Failure to comply with the duties and responsibilities as set forth in Chapter 3, Title 36, Arizona Revised Statutes and this Chapter;
2. Misuse of funds received pursuant to Chapter 3, Title 36, Arizona Revised Statutes or this Chapter; or
3. Permitting access to or releasing information from any certificate except as authorized by law or this Chapter.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-105 repealed, new Section R9-19-105 renumbered from R9-19-111 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-106. Vital record forms

- A. Only such forms as are prepared, printed and supplied by the State Registrar shall be used in registering, recording, amending and preserving vital statistics records and reports required by law.
- B. All forms used in recording vital events shall remain the property of the state and shall be used for official purposes only. They shall be surrendered to the State Registrar upon demand and shall not be used for private or internal administrative purposes by those individuals or agencies to whom they are distributed.

Historical Note

Former Section R9-19-106 renumbered to R9-19-102, new Section R9-19-106 renumbered from Section R9-19-113 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-107. Completion standards for preparation of forms

Each form shall be legibly and neatly prepared on a typewriter with black ribbon. If no typewriter is available, the form shall be neatly printed by hand using a black, nonfading ink. All required signatures shall be in the person's own handwriting in black, nonfading ink. Signatures by rubber stamp or facsimile are not acceptable.

Historical Note

Former Section R9-19-107 renumbered to R9-19-103, new Section R9-19-107 renumbered from R9-19-114 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-108. Unacceptable forms

A form shall not be accepted for registration or other purposes if it:

1. Omits necessary information for which no satisfactory explanation and supporting documentation is provided;
2. Contains erasures, strikeouts, misplaced or illegible entries or its general appearance is soiled and untidy;
3. Is a carbon copy or is marked "copy," "duplicate" or similar notation;

4. Contains incorrect or inconsistent information;
5. Contains information which the registrar reasonable believes to be fraudulent or false; or
6. Is not completed using the form currently issued by the State Registrar; or
7. Is not completed in accordance with instructions issued by the State Registrar.

Historical Note

Former Section R9-19-108 repealed, new Section R9-19-108 renumbered from R9-19-115 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-109. Review and transmittal procedures for forms

Each local registrar shall:

1. Examine each form submitted for completeness and general appearance. If the form is not acceptable, it shall be rejected and the reasons for rejection shall be listed.
2. Maintain lists of all births, deaths and fetal deaths on registers designated for that purpose. The registers shall show the name of the registrant, date and place of the event, date of registration by the local registrar and the registrar's file number. The registers shall be available, upon request, for inspection by the State Registrar or an authorized designee.
3. Promptly transmit each form to the State Registrar, who shall consider completeness, timeliness and general appearance of each certificate in determining eligibility for payment.
 - a. Class A registration districts shall retain original forms for no more than 30 days from the date of registration before forwarding them to the State Registrar.
 - b. Local registrars in Class B registration districts shall forward forms to the State Registrar promptly upon receipt or at least once each week.
 - c. Individual forms shall be promptly forwarded upon request of the State Registrar.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-109 renumbered to R9-19-104, new Section R9-19-109 renumbered from R9-19-116 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-110. Assignment of state file number

- A. Each birth, death and fetal death certificate shall be considered provisional until a state file number is assigned to the certificate. The assignment of a state file number indicates official acceptance of a certificate and shall precede its incorporation into the permanent files of the Department.
- B. Only that copy of a birth, death or fetal death certificate, including a late or delayed registration or an authorized supplementary certificate, which is completed in accordance with these rules and placed in the permanent file at the Department, shall be regarded as the lawful record of the event.

Historical Note

Former Section R9-19-110 repealed, new Section R9-19-110 renumbered from R9-19-118 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-111. Local registrars' responsibility to review death certificates for medical examiner referral

- A. Each local registrar shall review death and fetal death certificates for individuals whose deaths occurred under circumstances set forth in A.R.S. § 11-593. If such certificate was not signed by the medical examiner and information on the certifi-

cate or other report indicates that death occurred under any of the circumstances listed in A.R.S. § 11-593, the local registrar shall immediately notify the nearest peace officer.

- B. When a local registrar receives a death or fetal death certificate where the cause or manner of death or the circumstances surrounding the death should have been reported pursuant to A.R.S. § 11-593, and the medical examiner has not signed the death certificate, the local registrar shall not issue a disposal-transit permit until the deficiency is corrected.
- C. Each local registrar shall review death and fetal death certificates when the remains are to be cremated. If the medical examiner has not signed the certificate as required under A.R.S. § 11-599, the local registrar shall not register the death and shall not issue a disposal-transit permit.
- D. Any local registrar who receives and registers an improperly completed certificate and issues a disposal-transit permit in violation of this rule shall be subject to disciplinary action.

Historical Note

Former Section R9-19-111 renumbered to R9-19-105,
new Section R9-19-111 renumbered from R9-19-119 and
amended effective July 31, 1989 (Supp. 89-3).

R9-19-112. Referral to medical examiner by State Registrar

When the State Registrar receives a death or fetal death certificate which has not been completed in accordance with R9-19-111, the matter shall be immediately referred to the medical examiner in whose district the death occurred. If the medical examiner declines to consider the matter or refuses to sign the certificate, the medical examiner shall notify the State Registrar in writing of the reasons therefor.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-112 repealed, new Section R9-19-112 renumbered from R9-19-120 and amended effective
July 31, 1989 (Supp. 89-3).

R9-19-112.01. Amendments to Birth and Death Certificates by County Registrars

- A. Prior to submitting a birth certificate to the State Registrar for assignment of a state file number, a county registrar may correct, amend or make additions to the entries on a birth certificate. All changes to a birth certificate shall be supported by documentation in accordance with R9-19-118(B) and (C) and R9-19-117.
- B. Prior to submitting a death certificate to the State Registrar for assignment of a state file number, a county registrar may correct, amend or make additions to the entries on a death certificate except for the medical cause of death and the manner of death entries. All changes to a death certificate shall be supported by documentation in accordance with R9-19-119(B) and (C) and R9-19-117.
- C. When a county registrar changes information originally entered on a birth or death certificate, a single line shall be drawn through the incorrect entry and the correct information written immediately above or as near the initial entry as practicable. The county registrar shall also enter a notation on a death certificate at "58. Supplementary entries" or on a birth certificate at "20. Supplementary entries" which specifies what information was changed, the date of the change and the initial of the county registrar.
- D. When a county registrar adds information to a birth or death certificate which was previously omitted or missing, the information shall be typed in the appropriate spaces on the certifi-

cate and a notation explaining the addition entered on the back of the certificate.

- E. When a county registrar corrects, amends or makes an addition to a birth or death certificate, the county registrar shall forward the documentary evidence supporting such correction, amendment or addition to the birth or death certificate to the State Registrar when transmitting the birth or death certificate in accordance with R9-19-109(3).

Historical Note

Adopted effective August 31, 1992 (Supp. 92-3).
Amended effective March 4, 1993 (Supp. 93-1).

R9-19-113. Special circumstances for a new birth certificate; disposition of original birth certificate

- A. An applicant may request that a new birth certificate be established by the State Registrar rather than amending an existing certificate under circumstances when an amendment would cause embarrassment or reflect adversely on the registrant or his parents or would substantially undermine the integrity and validity of the certificate.
 - 1. An applicant may request that a new birth certificate be established for a minor child when the name of the father has been changed by a court order or in a naturalization proceeding.
 - 2. Upon the filing of a request by both parents of a child born out of wedlock and an affidavit of acknowledgment of paternity, a new birth certificate may be established.
- B. When a new birth certificate is created pursuant to this Section or A.R.S. § 36-326, the original birth certificate shall be replaced in the active files by the new birth certificate and the original birth certificate together with the evidence on which the new birth certificate was based shall be deposited in a sealed file. Access to the original certificate or release of information from it shall not be permitted except upon authorization of the State Registrar or by order of a court of competent jurisdiction.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-113 renumbered to R9-19-106,
new R9-19-113 renumbered from R9-19-132 and R9-19-133 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-114. Correction and amendment of vital records after official acceptance of certificate

No changes, corrections, additions, deletions or substitutions shall be made on any birth, death or fetal death certificate after the assignment of a state file number unless such alterations are fully documented according to law and these rules. All certificates on which judicial or major administrative changes are made shall be marked "certificate amended" unless otherwise provided by law. All certificates on which minor administrative changes are made after one year following the date of the event shall also be marked "certificate amended."

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-114 renumbered to R9-19-107,
new R9-19-114 renumbered from R9-19-139 and
amended effective July 31, 1989 (Supp. 89-3).

R9-19-115. Classification of changes to correct or amend vital records

All changes on vital record forms shall be classified as follows:

- 1. Judicial changes - Any alterations, additions, deletions or substitutions relative to information originally entered

which are authorized by law or ordered by a court of competent jurisdiction.

2. Major administrative changes - Any non-judicial alterations, additions, deletions or substitutions relative to information originally entered which would materially affect the validity or integrity of a certificate or would substantially modify certain fundamental relationships on it.
3. Minor administrative changes - Any alterations, additions, deletions or substitutions relative to information originally entered which would not materially affect the validity or integrity of a certificate or would not substantially modify any fundamental relationship on it. Typographical and spelling errors and transposed letters are included in this category.

Historical Note

Former Section R9-19-115 renumbered to R9-19-108, new R9-19-115 renumbered from R9-19-140 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-116. Authority to request changes on certificate

- A. A request for changes on a birth or fetal death certificate concerning any information except medical information and items relating to the burial of a fetus shall originate with the registrant or a parent or guardian if the registrant is a minor child. A request for change of medical information shall originate with the attendant or the hospital where the delivery took place. A request for change in information pertaining to burial or cremation shall originate with the funeral director.
- B. A request for changes on a death certificate shall originate with the following:
 1. A surviving spouse, parent or other close relative or the informant for identifying information or other personal particulars concerning the deceased;
 2. The physician or pathologist, as provided in R9-19-310, in matters relating to the medical cause of death;
 3. The medical examiner, as provided in R9-19-310, in matters relating to the manner and circumstances of death; or
 4. The funeral director or person acting in such capacity, as provided in A.R.S. § 36-327(B), in matters relating to burial or other disposition of the body.

Historical Note

Former Section R9-19-116 renumbered to R9-19-109, new R9-19-116 renumbered from R9-19-141 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-117. Documentary evidence requirements

- A. The following shall be required documentary evidence for each category of change on an existing vital record form:
 1. Judicial changes - A certified copy of the certificate of adoption, order of adoption, judgment, court order or other legal instrument and any additional documents or information necessary to accomplish the desired changes.
 2. Major administrative changes - An affidavit from the person requesting the change and one independent factual document corroborating the information to be corrected. If an independent factual document is not available or the information to be corrected is such that a factual document is not applicable, an affidavit of personal knowledge from a second individual may be substituted. The sufficiency of such affidavit is to be determined by the State Registrar who shall evaluate the accuracy, sufficiency, consistency and veracity of the document. The State Registrar shall decide which type of document or documents

is acceptable in a particular case. For changes on a certificate initiated:

- a. Within one year from the date of the birth or death, the factual document shall have been established, in the case of a death, on or before the date of death or, in the case of a birth, within six months of the date of birth.
 - b. Between one year and five years from the date of the birth or death, the factual document shall have been established at least one year prior to the date offered as evidence.
 - c. Five years or more after the birth or death, the factual document shall have been established at least three years prior to the date offered as evidence and shall have been established during the first ten years of the registrant's life.
3. Minor administrative changes - An affidavit from the person requesting the change and such other evidence as the State Registrar shall deem necessary to establish the validity of the requested change. For changes requested within one year from the date of the birth or death, the affidavit alone shall suffice. For changes after one year, additional evidence shall be required.
 - B. The State Registrar may reject any document which does not satisfy any requirement of these rules, including one which is incomplete, fails to show the required information, conflicts with other information provided, shows signs of alteration or for which there is reasonable cause to believe the document is not authentic or truthful.
 - C. Documents furnished in connection with change or amendment or vital records shall be originals, certified photographic copies or authenticated abstracts. All documents, except the affidavit, shall be returned to the person requesting the change after review by the Department. Except as otherwise provided by law, reproductions of all documents shall be kept on file at the Department for at least three years following the date of the action and may be microfilmed for permanent retention.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2).
Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-117 repealed, new Section R9-19-117 renumbered from R9-19-143 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-118. Changes on birth and fetal death certificates

- A. Any changes of the following nature shall be judicial changes:
 1. New birth certificate based on adoption, legitimization of paternity determination; or
 2. Amendment of a birth certificate to show a change of name of the registrant by court order. All name changes after one year from the date of birth shall require a court order.
- B. Any changes of the following items shall be major administrative changes:
 1. Substantial alteration of the surname of the registrant not covered by judicial authorization;
 2. Sex of the registrant due to surgical alterations of chromosomal counts;
 3. Name of the registrant within one year from the date of the birth;
 4. Name of either parent, except minor spelling errors;
 5. Date or place of the birth;
 6. Sex of child, type of birth or medical data relating to delivery and postnatal period;
 7. Date or place of birth of either parent;
 8. Marital status of the mother; or

9. Medical cause of death or related information of the fetal death certificate.
10. Addition of a father's name based upon sworn statements of paternity submitted by both parents.

- C.** All other changes to information, including all minor errors of spelling, typographical errors or correction of transposed letters, shall be minor administrative changes. When a child has not been named on a certificate at the time it is filed with the registrar, the name may be added within 90 days upon receipt of a written, notarized request signed by both parents. After 90 days the request shall be by an affidavit signed by both parents and supported by one factual document showing the requested name. After five years, a court order shall be required to add a name to the certificate. No fee shall be charged for adding only the child's name if done within one year from the date of birth.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-118 renumbered to R9-19-110,
new R9-19-118 renumbered from R9-19-144 and
amended effective July 31, 1989 (Supp. 89-3).

R9-19-119. Changes on death certificates

- A.** Any changes to death certificates of the following nature shall be judicial changes:
1. Amendment of a standard death certificate based on a declaration of death by a court of competent jurisdiction; or
 2. Revision or alteration of the medical cause or the manner and circumstances of death based on the final determination of a court or a formal inquest.
- B.** Changes of the following items shall be major administrative changes:
1. Name of the deceased;
 2. Race or sex of the deceased;
 3. Date or place of death;
 4. Marital status or name of the spouse;
 5. Date or place of birth of the deceased;
 6. Citizenship status of the deceased;
 7. Medical cause of death;
 8. Manner and circumstances of death; or
 9. Entry in the certification statement of the physician or medical examiner.
- C.** All other changes of data, including all minor errors of spelling, typographical errors and transposed letters, shall be minor administrative changes.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former
Section R9-19-119 renumbered to R9-19-111, new R9-
19-119 renumbered from R9-19-145 and amended effective
July 31, 1989 (Supp. 89-3).

R9-19-120. Changes on a delayed birth certificate

Changes on a delayed birth certificate shall not be permitted except in the following instances:

1. Where a name has been changed by court order subsequent to the filing of the certificate, the new name may be shown on the certificate.
2. Where a person has been adopted subsequent to the filing of the certificate, a notation to that effect may be shown on the certificate in lieu of the issuance of a new birth certificate.
3. When, after review of the documentary evidence submitted, the State Registrar determines that there is incorrect information on the certificate due to an administrative or typographical error by the Office of Vital Records.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former
Section R9-19-120 renumbered to R9-19-112, new R9-
19-120 renumbered from R9-19-146 and amended effective
July 31, 1989 (Supp. 89-3).

R9-19-121. Repealed

Historical Note

Repealed effective July 31, 1989 (Supp. 89-3).

R9-19-122. Repealed

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Repealed effective July 31, 1989 (Supp. 89-3).

R9-19-123. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-124. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-125. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-126. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-127. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-128. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-129. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-130. Repealed

Historical Note

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-131. Repealed

Historical Note

Repealed effective July 31, 1989 (Supp. 89-3).

R9-19-132. Renumbered

Historical Note

Former Section R9-19-132 renumbered to R9-19-113
effective July 31, 1989 (Supp. 89-3).

R9-19-133. Renumbered

Historical Note

Former Section R9-19-132 renumbered to R9-19-113
effective July 31, 1989 (Supp. 89-3).

R9-19-134. Renumbered**Historical Note**

Former Section R9-19-134 renumbered to R9-19-310 effective July 31, 1989 (Supp. 89-3).

R9-19-135. Renumbered**Historical Note**

Former Section R9-19-135 renumbered to R9-19-310 effective July 31, 1989 (Supp. 89-3).

R9-19-136. Renumbered**Historical Note**

Former Section R9-19-136 renumbered to R9-19-310 effective July 31, 1989 (Supp. 89-3).

R9-19-137. Renumbered**Historical Note**

Former Section R9-19-137 renumbered to R9-19-311 effective July 31, 1989 (Supp. 89-3).

R9-19-138. Repealed**Historical Note**

Repealed effective February 20, 1980 (Supp. 80-1).

R9-19-139. Renumbered**Historical Note**

Former Section R9-19-139 renumbered to R9-19-114 effective July 31, 1989 (Supp. 89-3).

R9-19-140. Renumbered**Historical Note**

Former Section R9-19-140 renumbered to R9-19-115 effective July 31, 1989 (Supp. 89-3).

R9-19-141. Renumbered**Historical Note**

Former Section R9-19-141 renumbered to R9-19-116 effective July 31, 1989 (Supp. 89-3).

R9-19-142. Repealed**Historical Note**

Repealed effective July 31, 1989 (Supp. 89-3).

R9-19-143. Renumbered**Historical Note**

Former Section R9-19-143 renumbered to R9-19-117 effective July 31, 1989 (Supp. 89-3).

R9-19-144. Renumbered**Historical Note**

Former Section R9-19-144 renumbered to R9-19-118 effective July 31, 1989 (Supp. 89-3).

R9-19-145. Renumbered**Historical Note**

Former Section R9-19-145 renumbered to R9-19-119 effective July 31, 1989 (Supp. 89-3).

R9-19-146. Renumbered**Historical Note**

Former Section R9-19-146 renumbered to R9-19-120 effective July 31, 1989 (Supp. 89-3).

ARTICLE 2. DUTIES REGARDING LIVE BIRTHS**R9-19-201. Registration of live births**

- A. In addition to birth registration requirements specified in A.R.S. § 36-322, each hospital, clinic or other institution in the state providing regular maternity services shall furnish a monthly report to the State Registrar of all live births and of all registrable fetal deaths occurring in that facility for the preceding month. The report shall be sent to the State Registrar no later than the tenth day of the month following the period covered in the report and shall list the name of the child, date of birth and the name and address of the parents.
- B. When, because of circumstances beyond its control, a hospital, clinic or other institution cannot file a birth certificate within the prescribed period, it shall notify the local registrar by telephone or letter of the reasons for the delay and the expected date of filing. If the delay extends beyond 14 days, a second notification shall be made to the local registrar. Such birth certificates shall be filed with the local registrar no later than 20 days after the date of birth whether or not it is complete.
- C. When a physician, midwife or other person who delivers a child outside of a hospital, clinic or other institution is unable to file a birth certificate within the prescribed period of time, the local registrar shall be notified by telephone or letter, giving the name of the child, date of birth, name and address of the parents and the reason for the delay. Such birth certificate shall be filed no later than 20 days after the date of the birth.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-202. General requirements regarding late birth certificates

A late birth certificate registered within one year from date of the birth shall satisfy the following requirements:

1. The birth of the registrant occurred in Arizona as evidenced by one independent factual document establishing the mother's presence in Arizona at the time of birth;
2. The certificate shall be signed by a parent, relative or other person who can certify from personal knowledge of the date and place of birth, names of the parents and other facts required on the certificate.
3. The certificate shall be signed by the physician, midwife or other attendant who delivered the child. If the child was born in a hospital and the attending physician is no longer available, the hospital administrator or person in charge of medical records may sign instead and indicate his title; and
4. The certificate shall be registered by the local registrar of the district in which the birth occurred, unless exempted by law.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-203. Rejection of late birth certificates

When a late birth registration does not meet the requirements of R9-19-202, the State Registrar shall reject the certificate.

Historical Note

Former Section R9-19-203 repealed, new Section R9-19-203 renumbered from R9-19-204 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-204. Form of late birth certificate; fee

- A. All late birth registrations shall be on the standard certificate of live birth form in current use at the time the record is filed.
- B. No filing fee shall be charged for a late birth certificate.

Historical Note

Former Section R9-19-204 renumbered to R9-19-203, new Section R9-19-204 renumbered from R9-19-205 effective July 31, 1989 (Supp. 89-3).

R9-19-205. Application for delayed birth registration

- A. Any person born in Arizona who is older than one year and whose birth has not previously been registered can apply to the State Registrar for a delayed birth certificate, except that an application shall not be accepted for a deceased person. Persons whose late birth registration is rejected under R9-19-203 may apply for a delayed birth certificate. The application fee shall be paid at the time of formal application.
- B. The application shall be pending until completed or until one year has elapsed from the date of application, whichever is earlier. The date the fee is paid shall be considered the date of formal application. After one year from the date of application all uncompleted registrations shall lapse and the fees forfeited.
- C. Any applicant who voluntarily withdraws his request before the lapse date shall be entitled to a full refund. No refund will be made after an application has lapsed.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-205 renumbered to R9-19-204, new Section R9-19-205 renumbered from R9-19-206 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-206. General requirements for delayed birth registration

- A. The facts regarding a delayed birth registration shall be recorded on a form provided by the State Registrar for that purpose.
- B. The following data concerning the registrant shall be shown on the delayed birth certificate:
 - 1. Full name at birth. Where a person, whose birth is to be registered, has undergone a change of name through adoption, legitimation or other court action prior to application for delayed registration, the person, whose birth is to be registered, may choose to have the new name shown;
 - 2. Date of birth -- month, day and year;
 - 3. Sex;
 - 4. Race or color;
 - 5. Place of birth -- town or city and county;
 - 6. Names of parents. If a registrant has been adopted, the names of adoptive parents may be shown; and
 - 7. Information required by the State Registrar in order to comply with federal or state laws, rules or regulations or federal document guidelines.
- C. Each delayed certificate of birth shall be signed by the person whose birth is to be registered and sworn to before an official authorized to administer oaths, provided that such person is 18 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein. Otherwise the certificate shall be signed and sworn to by one of the following in the indicated order of priority:

- 1. One of the parents of the person whose birth is to be registered;
- 2. The legal guardian of the person whose birth is to be registered; or
- 3. The next of kin of the person whose birth is to be registered.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-206 renumbered to R9-19-205, new Section R9-19-206 renumbered from R9-19-207 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-207. Documentary requirements for delayed birth registration

- A. If the person is between one and fourteen years of age, the following documents shall be submitted:
 - 1. An affidavit attesting to the facts of birth from the father, mother or other family member having personal knowledge of the birth;
 - 2. One independent factual document attesting to the facts of birth established prior to the person reaching age five; and
 - 3. One independent factual document establishing the mother's presence in Arizona at the time of birth.
- B. If the person is 15 years of age or older, the following documents shall be submitted:
 - 1. An affidavit attesting to the facts of birth from the mother, father, a relative or other individual at least ten years older than the person and who has personal knowledge of the birth; and
 - 2. Two factual supporting documents attesting to the facts of birth independently established at least five years prior to the date on which offered as evidence, at least one of which was established during the first ten years of the person's life; and
 - 3. One independent factual document establishing the mother's presence in Arizona at the time of birth.
- C. The full name of the person and the date and place of birth shall be evidenced in each of the required documents. All other birth facts, including the names of the parents, shall be clearly supported by at least one document. A document established before the person's fourth birthday shall be preferred over later ones. A factual document may be substituted for an affidavit, provided it contains the necessary information.
- D. A summary statement of the documentary evidence submitted in support of a delayed birth certificate shall be written on the face of the form. The date of registration shall also be entered and the signature of the State Registrar shall signify official acceptance of the certificate.
- E. The State Registrar shall determine the acceptability of all documents submitted by an applicant. The State Registrar shall reject any document judged to be inadequate, unsatisfactory, conflicting, or in any manner not in compliance with these rules, and require an additional document. The State Registrar shall not register a delayed birth certificate if no combination of documents shows the minimum required information, if the documents do not agree as to the facts, or if the State Registrar has reasonable cause to question the validity, adequacy, or consistency of the certificate or documentary evidence. The State Registrar shall apprise the applicant of such refusal and the reasons therefor. The State Registrar shall consider the acceptability of the group as a whole and shall require additional documentation until the minimum requirements are met.
- F. Documents furnished in connection with a delayed birth certificate shall be originals, certified photographic copies or

authenticated abstracts. The State Registrar shall refuse any document showing alterations, erasures or substitutions of information. All documents shall be returned to the sender after review. Reproductions of all documentary evidence shall be kept on file at the Department for at least three years following the date of the registration and may be microfilmed for permanent retention.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-207 renumbered to R9-19-206,
new Section R9-19-207 renumbered from R9-19-208 and
amended effective July 31, 1989 (Supp. 89-3).

R9-19-208. Cancellation of a delayed birth certificate; duties of State Registrar

- A. The State Registrar shall cancel a delayed birth certificate upon evidence of the following:
 1. That an original birth certificate for the registrant already exists in the files of the Department; or
 2. That a delayed birth certificate was established through fraud, misrepresentation of the facts or was based on false documents.
- B. The State Registrar shall advise a registrant by certified mail of the cancellation of a delayed birth certificate. The registrant may appeal such action through the exercise of available statutorily-defined administrative remedies.

Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-208 renumbered to R9-19-207,
new Section R9-19-208 renumbered from R9-19-209 and
amended effective July 31, 1989 (Supp. 89-3).

R9-19-209. Renumbered

Historical Note

Former Section R9-19-209 renumbered to R9-19-208
effective July 31, 1989 (Supp. 89-3).

ARTICLE 3. DUTIES OF PERSONS RESPONSIBLE FOR DEATH RECORDS; POST-MORTEM PROCEDURES

R9-19-301. Completion of medical cause of death and manner of death sections of death certificate

- A. The physician who treated a patient or was in charge of the patient's care for the illness or condition which resulted in death shall complete and sign the medical certification of cause of death promptly so that funeral arrangements may be made. The entries shall be legibly written using only terms in accepted medical usage. Indefinite or obsolete terms which denote only symptoms of a disease or conditions resulting from a disease shall be sufficient grounds for the local registrar to refuse to accept the certificate and not issue a disposal-transit permit. Statements of cause of death which are clearly illogical, confusingly written, expressed in abbreviations or "shorthand" shall not be accepted.
 1. Part I of the medical statement of cause of death shall contain only the disease sequence, injury, or other trauma which directly resulted in the person's death. The immediate cause of death shall be written on line A. If there are antecedent causes, they shall be written on lines B and C, with the intermediate cause on line B and the underlying cause on line C. The underlying cause shall be the last cause listed. If there is no intermediate cause, then the underlying cause shall be entered on line B. In instances where the immediate cause and the underlying cause are synonymous, only the one entry is necessary.

2. Part II of the medical statement of the cause of death shall contain diseases, injuries or other factors of significant medical or statistical importance not directly related to the cause of death. In those cases where the physician cannot be certain, best judgment shall be exercised in assigning entries to Part I or Part II of the medical statement of cause of death.

- B. When a physician cannot certify within 72 hours after the time of death as to the cause of death pending the results of a post-mortem examination, laboratory tests or other factors beyond the physician's control, the physician shall enter "pending further examination" on the death certificate and sign it. Such certificate shall be acceptable for the local registrar to issue a disposal-transit permit. No later than ten days after the date of death, the physician shall forward a supplementary certificate of cause of death to the State Registrar. Such certificate shall be completed in accordance with R9-19-310 et seq.
- C. When the medical examiner cannot complete and sign the death certificate within 72 hours, the words "pending further investigation" shall be entered on the death certificate and the certificate shall be signed. A death certificate so completed shall be valid for the local registrar to issue a disposal-transit permit, but possession of the permit shall not relieve the funeral director from obtaining full release from the medical examiner before final disposition of the body. Under no circumstances shall a body under the medical examiner's jurisdiction be cremated or removed from the state until both the medical cause and the manner of death have been determined or the medical examiner has otherwise released the body for such disposition. In the latter instance, a written statement from the medical examiner authorizing disposition of the body shall be delivered to the local registrar before a disposal-transit permit will be issued.
- D. When the medical examiner cannot certify the medical cause and the manner of death within the time set forth in subsection (C) of this rule, a supplementary certificate of cause of death shall be completed and filed with the Department as soon as possible, but no later than 20 days after the date of death. Such certificate shall be completed in accordance with R9-19-310 et seq. and shall set forth both the medical cause and the manner of death and contain such other information as required by law, these rules or forms supplied by the State Registrar.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2).
Amended effective February 20, 1980 (Supp. 80-1).
Amended effective July 31, 1989 (Supp. 89-3).

R9-19-302. Registration of a fetal death certificate and reporting of abortion acts

- A. For purposes of preparing fetal death certificates, if the gestation period is uncertain or unknown, a certificate should be filed if the fetus weighs 350 grams or more. Any abortion act resulting in a fetal death when the length of gestation is more than 20 weeks shall also require the filing of a fetal death certificate.
- B. A termination of pregnancy report shall be prepared by the attending physician and filed directly with the State Registrar reporting any fetal death due to an abortion act for which a fetal death certificate is not required. Such reports shall be confidential and disclosable by the Department only in aggregate form for statistical or research purposes. No personally identifiable patient information or information relating to any physician, hospital, clinic or other institution shall be released for any purpose. The termination of pregnancy report shall be prepared on forms prescribed and furnished by the State Registrar.

- C. Each hospital and outpatient treatment center in the state shall submit a monthly report to the State Registrar showing:
1. All registrable fetal deaths occurring in that facility in accordance with R9-19-201; and
 2. The total number of abortifacient acts performed in that facility.
- If no registrable fetal deaths or abortifacient acts occurred in the facility during the month, no report need be sent.
- D. The monthly reports required by this rule shall be confidential and disclosable by the Department only in aggregate form for statistical or research purposes. No personally identifiable patient information or information relating to any physician, hospital, clinic or other institution shall be released for any purpose.
- E. When a registrable fetal death occurs outside a hospital and is not attended by a physician, the medical examiner shall sign the fetal death certificate.
- F. When a fetal death has not been registered within one year from the date of occurrence, the certificate shall be filed directly with the State Registrar. Local registrars receiving such certificates shall forward them immediately to the State Registrar and shall not enter them in the local registers.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2).
 Amended effective February 20, 1980 (Supp. 80-1).
 Amended effective July 31, 1989 (Supp. 89-3).

R9-19-303. Provisional death certificates

When it is necessary to ship a body out of the state less than 24 hours after death and the funeral director cannot file a complete death certificate in time to obtain a disposal-transit permit, a provisional certificate may be filed which contains, at a minimum, the name of the deceased, the date and place of death, the medical cause of death and the destination. Such certificate shall be marked "provisional" and shall be accompanied by a signed form stating that a completed death certificate will be filed within six days after the date of death. The local registrar shall retain the provisional death certificate in a special file until the complete record is filed whereupon the provisional record shall be destroyed.

1. This procedure shall be used only with deaths due to natural causes; and
2. This procedure shall be used only in unusual or emergency situations and its use will be carefully monitored by the State Registrar.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-304. Requirements for late death certificates

The requirements for a late death or a late fetal death certificate shall be the same as for certificates registered within the three-day period except that the State Registrar or local registrar may require sworn statements or other documentary evidence to support any entry shown on a certificate in order to protect the evidentiary value of the record. Late death or fetal death certificates delivered to a local registrar more than 90 days after the date of death shall be forwarded immediately to the State Registrar and not entered in the local register. A summary statement of any documentary evidence required shall be written on the certificate along with a notation that it has been reviewed by the State Registrar. The notation "late death registration" or "late fetal death registration" shall also be entered in a prominent place on the record. Late death and late fetal death certificates shall be filed within one year of the date of death.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-305. Requirements for death certificates based on court determination of death

- A. When a person is declared dead by an order of a Superior Court of this state, the State Registrar is authorized to create a standard death certificate based on the determination set forth in the court order. The death certificate shall contain the following information:
1. Name and other personal data concerning the deceased;
 2. Date or approximate date of death and place where death is believed to have occurred;
 3. Brief statement of circumstances of death insofar as known; and
 4. Citation of the court order.
- B. A certified copy of the court order shall be submitted to the State Registrar by the person or official requesting the death certificate. The State Registrar may require such additional information as may be necessary in order to complete the death certificate. A certificate so established shall have the same status as other death certificates and certified copies may be issued to any qualified applicant.

Historical Note

Former Section R9-19-305 repealed, new Section R9-19-305 adopted effective February 20, 1980 (Supp. 80-1).
 Amended effective July 31, 1989 (Supp. 89-3).

R9-19-306. Finding a body or person after court determination of death

- A. In the event that the body of the deceased person is found and identified after a court determination of death, a regular death certificate shall be filed with the State Registrar under established procedures, whereupon the certificate created on the basis of the court order shall be placed in a sealed file and not opened to further inspection, except as provided by rule or by order of the court.
- B. In the event that information is received which gives the State Registrar reasonable cause to believe that a person previously declared dead by the court is alive, the State Registrar shall promptly inform the court of such information and recommend to such person to apply to the court to reconsider the matter. If the court subsequently finds that an individual who was previously declared dead by the court is alive, the certificate created from the earlier court order shall be placed in a sealed file and not opened for further inspection except as provided by rule or by order of the court.

Historical Note

Former Section R9-19-306 renumbered as Section R9-19-308, new Section R9-19-306 adopted effective February 20, 1980 (Supp. 80-1). Amended effective July 31, 1989 (Supp. 89-3).

R9-19-307. Requirements for delayed death certificates

- A. A delayed death or delayed fetal death certificate shall be prepared on the form in use at the time the certificate is filed and shall be filed directly with the State Registrar in all cases. The authorized fee shall be paid at the time the applicant files the certificate. The certificate shall contain the following information:
1. Full name of deceased, sex, race, age at time of death and place of residence at time of death;
 2. The place of death and date of death or approximate date if the actual date is not known;
 3. The medical cause of death insofar as can be determined and whether death was due to accident, suicide, homicide or natural causes; and

4. Manner of final disposition of body and place where buried, cremated or reinterred.
- B.** The State Registrar shall require sworn statements from individuals or certified abstracts of any records which, in the judgment of the State Registrar, are necessary to support the information shown on the certificate itself. A summary statement of documentary evidence shall be written on the certificate together with a notation that it has been reviewed by the State Registrar. The notation “delayed death registration” or “delayed fetal death registration” shall be entered in a prominent place on the certificate.

Historical Note

Former Section R9-19-307 renumbered as Section R9-19-309, new Section R9-19-307 adopted effective February 20, 1980 (Supp. 80-1). Amended effective July 31, 1989 (Supp. 89-3).

R9-19-308. Exception

Late death and delayed death registration procedures shall not be used in cases where the bodies of missing persons are discovered, regardless of the elapsed time between discovery and date of presumed death. For the purposes of the death or fetal death certificate, the date of death shall be considered as the date the remains were initially found and the death certificates shall be so marked. The date of presumed death shall be written on the certificate or on a supplementary report as additional information.

Historical Note

Adopted effective March 30, 1976 (Supp. 76-2). Former Section R9-19-308 renumbered and amended as Section R9-19-310, former Section R9-19-306 renumbered as Section R9-19-308 effective February 20, 1980 (Supp. 80-1). Amended effective July 31, 1989 (Supp. 89-3).

R9-19-309. Supporting statements

The State Registrar shall require sworn statements from individuals or abstracts of any records which, in the judgment of the State Registrar, are necessary to support the information shown on a death certificate.

Historical Note

Former Section R9-19-309 renumbered and amended as Section R9-19-311, former Section R9-19-307 renumbered as Section R9-19-309 effective February 20, 1980 (Supp. 80-1). Amended effective July 31, 1989 (Supp. 89-3).

R9-19-310. Supplementary certificates of cause of death; medical personnel who may initiate changes on death certificate

- A.** No changes, additions or deletions of information on a death certificate which alter the medical cause of death or the manner and circumstances of death shall be permitted unless entered on a supplementary certificate of cause of death. The supplementary certificate shall be attached to and made a part of the original certificate. Appropriate notation shall be made on the original certificate as to what changes were made and upon what evidence.
- B.** A request for a change as to the medical cause of death shall be considered only if it originates with one of the following:
 1. The physician who originally signed the death certificate;
 2. A pathologist who has performed a post-mortem examination and as a result of such examination has found reason to change the cause of death as previously listed. Such request shall be with the knowledge and consent of the physician who originally signed the death certificate; or

3. A supervising physician of a county, state or federal hospital responsible for and acting on behalf of junior staff physicians who regularly see and treat patients under the jurisdiction of that institution.
- C.** Changes as to the manner and circumstances of death on a death certificate shall originate with the medical examiner who initially signed the death certificate or another medical examiner authorized by law and having access to the official files of the case and shall be entered on a supplementary certificate of cause of death.
- D.** The medical examiner shall submit a signed, supplementary certificate of cause of death for changes under the following circumstances:
 1. When changes are made in the medical statement of the cause of death because of additional information gained through an autopsy;
 2. Where the medical examiner was not able to indicate the manner and circumstances of death on the original death certificate because information on the medical cause of death was not initially available; or
 3. When the results of a court proceeding, findings of an inquest or other delayed source of information indicates to the medical examiner the need for a change as to the manner or circumstances of death.
- E.** Changes in the medical cause of death shall be certified by the medical examiner.

Historical Note

Adopted effective March 30, 1976 (Supp. 76-2). Former Section R9-19-310 renumbered and amended as Section R9-19-312, former Section R9-19-308 renumbered and amended as Section R9-19-310 effective February 20, 1980 (Supp. 80-1). Editorial correction, Paragraph (2) (Supp. 80-2). Former Section R9-19-310 renumbered to R9-19-312, new R9-19-310 renumbered from R9-19-134, R9-19-135 and R9-19-136 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-311. Transmittal of supplementary certificates of death

Supplementary certificates of cause of death, completed and signed by the responsible officials, shall be forwarded to the State Registrar as soon as possible and not later than the maximum time allowed in R9-19-301. In all other cases, supplementary certificates shall be forwarded as soon as the attending physician or the medical examiner has sufficient additional information upon which to base a determination or amendment of the cause of death or manner or circumstances of death.

Historical Note

Former Section R9-19-311 renumbered as Section R9-19-313, former Section R9-19-309 renumbered and amended as Section R9-19-311 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-311 renumbered to R9-19-313, new Section R9-19-311 renumbered from Section R9-19-137 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-312. Preservation of bodies; general

The body of any person who has died in this state, including a fetus of 20 completed weeks or more gestation, shall not be held at a temperature above 38° Fahrenheit for a total period of time of more than 24 hours between the time of death and final disposition unless embalmed.

1. Embalming
 - a. Except as otherwise provided in R9-19-313 and R9-19-326, embalming shall not be performed unless

- authorized by the family, next of kin, personal representative or other person assuming responsibility for final disposition.
- b. When death is from an unknown cause or there are reasonable grounds to suspect that a crime has been committed, a body shall not be embalmed until the medical examiner has authorized such action.
 - c. All embalming operations shall be in accordance with the laws of the state and rules of the State Funeral Directors and Embalmers Board.
2. Bodies in vaults
 - a. A body kept in a private or public vault, including a receiving vault, longer than 15 days shall be placed in an airtight casket or other container. This provision does not apply to bodies kept in mausoleums or other places of final disposition where aeration or dehydration processes are used.
 - b. A body kept in a receiving vault longer than 30 days shall be regarded as interred. At such time as it is further buried, cremated or removed, a disinterment permit shall be obtained.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-312 renumbered as Section R9-19-316, former Section R9-19-310 renumbered and amended as Section R9-19-312 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-312 renumbered to R9-19-314, new Section R9-19-312 renumbered from Section R9-19-310 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-313. Preservation when death caused by certain diseases

- A. The body of a person who died from cholera, diphtheria, infectious tuberculosis, plague, actual or suspected smallpox, yellow fever, actual or suspected viral hemorrhagic fevers (Lassa, Marburg, Ebola or Congo-Crimean) or other such viral hemorrhagic fevers that may be later identified shall not be transported within or outside the state either by private or commercial transportation unless the body has been embalmed in accordance with procedures of the State Funeral Directors and Embalmers Board and placed in a hermetically sealed casket or metal lined container. The casket or container shall not be opened while in transit. The funeral director in charge of the body shall abide by any special instructions from the state or local health authorities.
- B. Any hospital or physician caring for a patient who dies from a disease listed in subsection (A) above shall immediately notify the state and local health departments. The funeral director who takes charge of the body shall also be notified of the cause of death.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-313 renumbered as Section R9-19-317, former Section R9-19-311 renumbered as Section R9-19-313 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-313 renumbered to R9-19-315, new Section R9-19-313 renumbered from Section R9-19-311 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-314. Disposition of bodies

- A. A body shall not be cremated until the medical examiner has issued a certificate pursuant to A.R.S. § 11-599.
- B. A body shall not be interred, cremated, held or stored in any place not properly reserved or designated for such purpose.

- C. A body stored under conditions of very low temperature shall be regarded as interred. At such time as it is further buried, cremated or removed, a disinterment permit shall be obtained.
- D. When a fetal death of less than 20 weeks of gestation occurs in an institution, the fetal remains may be disposed of in any manner which does not constitute a menace to public health, provided that it is done in compliance with A.R.S. § 36-331(B).
- E. No restrictions shall be imposed by these rules on the disposition of amputated limbs or other body tissue of persons still living and these events are not registrable under the vital statistics law or rules.
- F. A coffin or casket is not required for the interment of dead human remains, except as otherwise provided in Sections R9-19-312; R9-19-313; or R9-19-326.

Historical Note

Former Section R9-19-314 renumbered and amended as Section R9-19-318, new Section R9-19-314 adopted effective February 20, 1980 (Supp. 80-1). Former Section R9-19-314 renumbered to R9-19-316, new Section R9-19-314 renumbered from Section R9-19-312 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-315. Procedures in event of disaster

In the event of a disaster or other major emergency where it would be impractical to observe these rules for controlling the preparation, transportation, and disposition of the dead, these rules shall be superseded for the duration of the emergency by such directives as the governor of the state or any duly appointed disaster authority may issue.

Historical Note

Former Section R9-19-315 renumbered as Section R9-19-319, new Section R9-19-315 adopted effective February 20, 1980 (Supp. 80-1). Former Section R9-19-315 renumbered to R9-19-317, new Section R9-19-315 renumbered from Section R9-19-313 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-316. Responsibilities of persons in charge of cemeteries or crematories

- A. The manager of every regularly organized cemetery or crematory shall keep a record of all interments or cremations occurring in such establishment. Such records shall show the name of the deceased, the date and place of death and the name and address of the funeral director or person in charge. Such records shall be subject to inspection by the State Registrar or authorized representative.
- B. No cemetery shall permit the interment or cremation of a body unless accompanied by a properly completed disposal-transit permit.
- C. No crematory shall permit the cremation of a body unless accompanied by a properly completed disposal-transit permit.

Historical Note

Former Section R9-19-316 renumbered as Section R9-19-320, former Section R9-19-312 renumbered as Section R9-19-316 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-316 renumbered to R9-19-318, new Section R9-19-316 renumbered from Section R9-19-314 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-317. Requirements for preparation and filing of disposal-transit permits

The disposal-transit permit shall contain the following information and be fully completed before filing:

1. The name, sex, age and race of the deceased; the date and place of death; the manner of disposition and the funeral establishment responsible for final disposition;
2. The cause of death if the body is to be shipped by commercial or common carrier or is to be moved out of the state, except as otherwise provided in this Article when released for disposition by the medical examiner. The cause of death shall also be specified if the person died from any of the communicable diseases enumerated in R9-19-313;
3. The signature of the funeral director and the local registrar; and
4. The location of interment or other disposition and the signature of the person in charge of the location of interment or other place of disposition.

Historical Note

Former Section R9-19-317 renumbered as Section R9-19-321, former Section R9-19-313 renumbered as Section R9-19-317 effective February 20, 1980 (Supp. 80-1).

Former Section R9-19-317 renumbered to R9-19-319, new Section R9-19-317 renumbered from Section R9-19-315 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-318. Disposal-transit permit required

The body of a person who has died or is found dead in Arizona, including a fetus which has completed the 20th week of gestation, shall not be buried, deposited in a vault, cremated, held more than three days after death or removed from the registration district where death occurred without a funeral director or a person acting in such capacity first obtaining a disposal-transit permit from the local registrar of that district. An appropriate death or fetal death certificate shall be filed with the local registrar before the disposal-transit permit shall be issued, except as provided in R9-19-319, R9-19-322, R9-19-323 and R9-19-324(B).

1. A disposal-transit permit issued by any local registrar shall be valid for disposition of the remains in any registration district of this state or for removal outside the state.
2. A crematory shall not accept a body or fetus for cremation unless the accompanying disposal-transit permit and the certificate specifically authorize cremation.
3. Under no circumstances shall a body or fetus be cremated or transported out of the state unless accompanied by a properly completed disposal-transit permit authorizing such action. A death certificate shall be filed before the permit can be issued.
4. If at the time of death the decedent was infected with a disease listed in R9-19-313, the local registrar shall notify the state and local health authorities before issuing a disposal-transit permit.
5. No fee shall be collected for issuing a disposal-transit permit.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-318 renumbered as Section R9-19-322, former Section R9-19-314 renumbered and amended as Section R9-19-318 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-318 renumbered to R9-19-320, new Section R9-19-318 renumbered from Section R9-19-316 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-319. The disposal-transit permit; exceptions

- A. A body or fetus may be moved outside a registration district for preparation for burial without disposal-transit permit when

facilities for such preparation are not available at the place of death and upon notification of the local registrar of the removal.

- B. Upon order of the medical examiner, a body may be moved to another registration district for an autopsy or other investigation without a disposal-transit permit following notification of the local registrar.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-319 renumbered as Section R9-19-324, former Section R9-19-315 renumbered as Section R9-19-319 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-319 renumbered to R9-19-321, new Section R9-19-319 renumbered from Section R9-19-317 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-320. Bodies from out-of-state

When a body is transported into Arizona from outside of the state, the local registrar of the district where the body is to be buried shall issue a new disposal-transit permit noting the place where death occurred, the type of final disposition and the place where shipment originated. If the remains are disinterred remains, that fact shall also be indicated by entering "disinterred remains" on the disposal-transit permit. The permit from the state of origin shall be mailed promptly to the Department. Bodies thus brought into the state shall not be held longer than three days without the reissuance of a disposal-transit permit.

Historical Note

Former Section R9-19-320 renumbered as Section R9-19-325, former Section R9-19-316 renumbered as Section R9-19-320 effective February 20, 1980 (Supp. 80-1).

Former Section R9-19-320 renumbered to R9-19-322, new Section R9-19-320 renumbered from Section R9-19-318 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-321. Attachment of disposal-transit permit while in transit

When a body is transported by private, commercial or common carrier, the disposal-transit permit shall be placed in a strong heavy-duty envelope and securely attached to the shipping container in a conspicuous place. A private, commercial or common carrier shall not accept a body for shipment unless accompanied by a disposal-transit permit and no body shall be transported into, through, or out of the state without such permit.

Historical Note

Amended effective March 30, 1976 (Supp. 76-2). Former Section R9-19-321 renumbered as Section R9-19-326, former Section R9-19-317 renumbered as Section R9-19-321 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-321 renumbered to R9-19-323, new Section R9-19-321 renumbered from Section R9-19-319 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-322. Pre-signed disposal-transit permits

- A. Upon approval of the State Registrar, local registrars may deliver pre-signed disposal-transit permits to funeral directors in their jurisdictions. When a funeral director having pre-signed permits takes charge of a body, the funeral director shall telephone the local registrar and give the name of the deceased, sex, age, date and place of death, cause of death and place of interment. The local registrar shall enter this information in the register book and give the funeral director a file number which shall be entered in the designated place on the disposal-transit permit. The funeral director may then proceed with funeral arrangements and disposition of the body but

shall file the death certificate either in person or by mail within three days. A certificate shall be considered filed on time if the letter is postmarked within three days from date of death.

- B. This procedure may be used only with deaths from natural causes and shall not be used in any case where the body is being cremated or shipped out of the state.
- C. A funeral director who fails to file certificates on time or who otherwise violates or abuses this procedure shall not be permitted to continue to utilize it.

Historical Note

Former Section R9-19-322 renumbered as Section R9-19-328, former Section R9-19-318 renumbered as Section R9-19-322 effective February 20, 1980 (Supp. 80-1).

Former Section R9-19-322 renumbered to R9-19-324, new Section R9-19-322 renumbered from Section R9-19-320 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-323. Extension of time for filing death certificate

When a funeral director has obtained a disposal-transit permit prior to filing a death certificate and is unable to file the certificate within the specified time, the funeral director shall contact the local registrar by telephone for approval of an extension of time. No more than two extensions will be allowed and the certificate shall be filed with the local registrar, in all cases, no later than six days following the date of death.

Historical Note

Former Section R9-19-323 renumbered as Section R9-19-331, new Section R9-19-323 adopted effective February 20, 1980 (Supp. 80-1). Former Section R9-19-323 renumbered to R9-19-325, new Section R9-19-323 renumbered from Section R9-19-321 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-324. Special situations regarding disposal-transit permits

- A. A disposal-transit permit may be issued under emergency conditions when a body is to be shipped out-of-state less than 24 hours after death. A provisional death certificate shall be filed as provided in R9-19-303 before the permit can be issued.
- B. Under circumstances where a body has been moved outside a registration district or more than 50 miles from the place of death without a disposal-transit permit pursuant to R9-19-319, the funeral director may elect to file the death certificate with and obtain a disposal-transit permit from the nearest local registrar. The local registrar shall note the facts in the register and shall not register the certificate, but rather it shall be forwarded to the registrar of the district where death occurred for proper registration.
- C. In case of an emergency or the unavoidable absence of a local registrar, a clerk of a county board of supervisors or official of a local health department shall be authorized to accept a death certificate and issue a disposal-transit permit. The death certificate and duplicate copy of the disposal-transit permit shall be delivered to the local registrar upon his return.

Historical Note

Former Section R9-19-324 renumbered as Section R9-19-332, former Section R9-19-319 renumbered as Section R9-19-324 effective February 20, 1980 (Supp. 80-1).

Former Section R9-19-324 renumbered to R9-19-326, new Section R9-19-324 renumbered from Section R9-19-322 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-325. Transmittal procedures for permit

The disposal-transit permit shall consist of four copies. The "transit copy" shall accompany the body to the place of burial or other dis-

position. The "local registrar copy" shall be retained by the local registrar issuing the permit. The "transport copy" shall be retained for the transportation company's use. The "state copy" shall be immediately mailed by the funeral director to the State Registrar where it shall serve as official notification that a death has occurred. Upon final disposition, the person in charge of the cemetery or crematory shall enter the appropriate signature on the transit copy and mail it to the State Registrar within ten days. When interment is in a place where there is no person in charge, the funeral director handling the interment shall write across the permit "no person in charge," sign his name and mail the permit to the State Registrar within ten days. Local registrars shall retain file copies of disposal-transit permits for two years from the date of issue.

Historical Note

Former Section R9-19-325 repealed, former Section R9-19-320 renumbered as Section R9-19-325 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-325 renumbered to R9-19-327, new Section R9-19-325 renumbered from Section R9-19-323 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-326. Container requirements for transportation of bodies and disinterred remains

- A. Except as provided in subsection (D) below, a body transported outside the boundaries of the state by a private, commercial or common carrier shall be embalmed by an approved process and enclosed in a container suitable to the type of transportation used. The body need not be placed in a casket if the shipping container affords reasonable protection against transportation damage, allows no escape of body fluids or offensive odors and does not expose any person to risk of infection or other health hazards. An additional container may be used if the transportation agency requires it and the distance to be traveled makes this advisable.
- B. Bodies moved within the state under the supervision of a licensed funeral director in vehicles normally used for that purpose may be transported in any manner requested by the family of the deceased which will not expose any person to a health hazard. No special container requirements are mandatory. Persons who are not licensed funeral directors may transport a body within the state by private conveyance for burial on privately-owned or non-commercial property, provided the elapsed time between the issuance of the disposal-transit permit and the time of disposition does not exceed 36 hours. If the body is held longer than 24 hours before burial, the provisions of R9-19-312 regarding embalming shall apply. All requirements regarding death certificates and disposal-transit permits shall be satisfied before the body is removed from the registration district where death occurred.
- C. Special consideration shall be extended to the transportation of bodies pursuant to Title 36, Chapter 7, Article 1, of the Arizona Revised Statutes, and these rules shall be applied, so as to expedite the removal of bodies to any point designated by the Department, provided that such actions do not produce or promote conditions dangerous to the health of the public or to the persons engaged in the removal.
- D. Bodies may be removed from the state without having been embalmed if transportation is provided by an immediate family member of the decedent or by a licensed funeral director who shall handle disposition of the body at the point of destination, and provided that such removal shall be made within 24 hours following death.

Historical Note

Former Section R9-19-326 renumbered and amended as Section R9-19-334, former Section R9-19-321 renum-

bered as Section R9-19-326 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-326 renumbered to R9-19-328, new Section R9-19-326 renumbered from Section R9-19-324 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-327. Shipment of disinterred or cremated remains

- A. Disinterred remains shipped from any point in the state by commercial carrier shall be placed in a metal-lined container, which is hermetically sealed.
- B. No disinterred remains shall be shipped into, through, or out of the state without a disinterment permit.
- C. When a permit is requested to move cremated remains outside the state, either a disposal-transit or disinterment permit shall be used.

Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-327 renumbered to R9-19-329, new Section R9-19-327 renumbered from Section R9-19-325 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-328. Disinterment permits

- A. Interred human remains including a fetus which has completed the 20th week of gestation shall not be removed or transported from its place of interment without a disinterment permit. The funeral director or person acting for the funeral director who supervises or is responsible for the disinterment shall apply to the State Registrar for the permit. If the place of initial interment is in a Class A registration district, application shall be made to the local registrar of the registration district.
- B. A disinterment permit shall not be required where disinterment and reinterment occurs in the same cemetery for ordinary relocation or for reason of internal management of the cemetery.
- C. All disinterment permits shall be valid for 30 days from the date of issue.
- D. Except for those disinterments which are ordered by a medical examiner or a court of competent jurisdiction, before a permit for disinterment may be issued, an applicant shall show evidence of having obtained written permission from the decedent's living survivors in the following order of priority:
 1. The spouse; or, if unavailable,
 2. Children, not minors; or, if unavailable,
 3. The father or mother; or, if unavailable,
 4. A brother or sister; or, if unavailable,
 5. Other relatives.
- E. In cases where no known relatives can reasonably be located, an order of the Superior Court of the county wherein the deceased is buried shall serve to authorize the issuance of a disinterment permit.
- F. No fee shall be collected for a disinterment permit.

Historical Note

Former Section R9-19-322 renumbered as Section R9-19-328 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-328 renumbered to R9-19-330, new Section R9-19-328 renumbered from Section R9-19-326 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-329. Requirements for preparation and filing of the disinterment permit

The disinterment permit, required by R9-19-328, shall contain the following information:

1. The name, age, sex and race of the deceased; the date and place of death and the location where buried; name of funeral director or person in charge of the disinterment;

2. The signature of the family member or other person granting permission for the disinterment;
3. The signature of the manager of the cemetery or other location from which the remains are removed. If there is no person in charge, the funeral director shall write across this space "no person in charge" and sign his name; and
4. The signature of the manager of the cemetery or other location where the remains are reinterred. If there is no person in charge, the funeral director shall write across this space "no person in charge" and sign his name.

Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-329 renumbered to R9-19-331, new Section R9-19-329 renumbered from Section R9-19-327 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-330. Attachment of disinterment permit while in transit

The disinterment permit shall be placed in a strong, heavy-duty envelope and securely attached to the shipping container in a conspicuous place. A commercial carrier company shall not accept disinterred remains for shipment unless accompanied by a properly completed permit.

Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-330 renumbered to R9-19-332, new Section R9-19-330 renumbered from Section R9-19-328 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-331. Transmittal procedures for a disinterment permit

The disinterment permit shall consist of three copies. The original shall accompany the remains to the place of reinterment or other disposition. The second copy shall be retained by the funeral director and the third copy shall be retained by the issuing registrar. When reinterment is completed, the person in charge of the cemetery or the funeral director shall enter the appropriate endorsement on the original and mail it to the State Registrar within ten days. Local registrars and funeral directors shall retain file copies of disinterment permits for at least two years from the date of issue.

Historical Note

Former Section R9-19-323 renumbered as Section R9-19-331 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-331 renumbered to R9-19-333, new Section R9-19-331 renumbered from Section R9-19-329 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-332. Responsibility for keeping disinterment records

The manager of every regularly organized cemetery shall keep a record of disinterments and reinterments which occur in the cemetery. Such records shall show the name of the deceased, the date and place of death, the cemetery to which removed or the cemetery from which received and the name of the funeral director. Such records shall be subject to inspection by authorized representatives of the State Registrar upon request.

Historical Note

Former Section R9-19-324 renumbered as Section R9-19-332 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-332 renumbered to R9-19-334, new Section R9-19-332 renumbered from Section R9-19-330 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-333. Duties of funeral directors regarding disinterments

- A.** Disinterments and removal of remains shall be carried out under the guidance or supervision of a funeral director licensed in this state who shall be responsible for the observance and enforcement of all rules pertaining to health and safety. The State Registrar shall permit an exception to the requirement that a funeral director be in charge of the disinterment when the request is made to disinter the remains from a grave of long standing and the State Registrar is satisfied that no hazards to health will be presented.
- B.** When being removed, disinterred remains shall be deposited in a casket, or other container, so constructed so as to prevent any seepage of fluids or escape of gases or offensive odors. The casket or container shall not be opened for viewing of remains, except in cases involving medical or legal investigations.

Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-333 renumbered to R9-19-335, new Section R9-19-333 renumbered from Section R9-19-331 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-334. Multiple disinterments

Where several graves at one location are to be moved to another location, only one disinterment permit shall be required. However, a list showing the identification of each person insofar as known shall be attached to and made a part of the permit. If the permission of survivors cannot be obtained or if other exigencies outweigh this consideration, the Superior Court of the county wherein the graves are located may issue an order for their removal, which shall be authority to obtain a disinterment permit. In the event the graves lie in more than one county, only one order for removal need be obtained.

Historical Note

Former Section R9-19-326 renumbered and amended as Section R9-19-334 effective February 20, 1980 (Supp. 80-1). Former Section R9-19-334 renumbered to R9-19-336, new Section R9-19-334 renumbered from Section R9-19-332 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-335. Disposition by means of cremation

- A.** Except as otherwise provided in R9-19-314, no remains shall be cremated except in a facility established solely for the purpose of cremating dead human bodies.
- B.** A local registrar shall not issue a disposal-transit permit authorizing cremation unless the funeral director has secured and presented the medical examiner's certification as required by A.R.S. § 11-599.
- C.** A casket shall not be required to cremate human remains.
- D.** Cremated remains may be disposed of in any manner which does not violate existing federal, tribal, state, county, or municipal laws, rules or ordinances, or the rights of others.

Historical Note

Former Section R9-19-333 adopted effective February 20, 1980 (Supp. 80-1). Renumbered from R9-19-333 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-336. Transportation of cremated human remains

Privately stored cremated human remains may be moved from one place to another within the state without a permit. If the remains are transported outside the state by private conveyance, the State Registrar or local registrar of a Class A registration district may issue a courtesy disposal-transit permit upon request. If the cremated

remains are shipped by commercial carrier, they shall be accompanied by a disposal-transit or disinterment permit.

Historical Note

Former Section R9-19-334 renumbered from R9-19-326 and amended effective February 20, 1980 (Supp. 80-1).
Renumbered from Section R9-19-334 and amended effective July 31, 1989 (Supp. 89-3).

ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**R9-19-401. Access to vital records**

- A.** The State Registrar, the Assistant State Registrar and regular employees of the vital records section shall have access to the vital records on file in that office in the conduct of their regularly assigned duties. Other persons shall not be permitted access to the records except under the direct supervision of the State Registrar, Assistant State Registrar, or their designee. Vital records in the custody of a local registrar shall be restricted to those persons whose normal duties require their access to the records or to authorized representatives of the State Registrar.
- B.** Upon request and proper identification, the State Registrar or the local registrar of a class A registration district may permit an individual who is eligible to receive information in the records to examine a certificate for the purpose of verifying an entry or correcting an error.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Amended effective July 31, 1989 (Supp. 89-3).

R9-19-402. Application for copies of vital records

- A.** Each request for a certified copy of a vital record shall be in writing. The request shall contain the applicant's signature and shall establish the applicant's eligibility to receive a copy of the certificate including the filing of certified copies of documents which establish the appropriate relationship to the registrant. If the registrar determines that the application does not sufficiently establish eligibility, the registrar may require additional documentation from the applicant, including sworn statements. In addition:
1. If applying in person, the applicant shall present valid picture identification issued by a federal, state or local governmental entity which contains the applicant's signature;
 2. If applying by mail the request shall be notarized or the applicant shall submit a clear photocopy of a valid identification issued by a federal, state or local governmental agency which contains the applicant's signature.
- B.** An application shall contain sufficient information about the person or event in question to enable a reasonable search of the files to be made. The State or local registrar may reject any application which is so vague or lacks such information that a reasonable search cannot be made.
- C.** Telephone orders or verbal requests for copies of vital records or information contained therein shall not be permitted except in extraordinary circumstances and upon authorization of the State Registrar.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-403. Eligibility for certified copy of birth certificate

A certified copy containing all information on a birth certificate, or a birth certificate for a birth out of wedlock, except the medical and health data section, shall be issued to the registrant, the registrant's authorized agent or upon order of a court of competent jurisdiction,

except that such copy shall not be issued to an unemancipated registrant under 18 years of age without the permission of at least one parent. The “authorized agent” of a registrant shall be:

1. The parents of record of a child;
2. The registrant’s spouse or grandparent, an adult child of the registrant, or an adult brother or sister of the registrant who provides proof of relationship to the registrant;
3. A guardian having legal custody or control of a minor child;
4. An attorney representing the registrant, or the registrant’s parents if the registrant is a minor, in matters involving the registrant or the registrant’s parents;
5. Any person or agency empowered by statute or appointed by a court to act on the registrant’s behalf;
6. A federal, state or local governmental agency which requires the copy for official purposes;
7. A governmental agency acting on behalf of the registrant to process a financial claim, benefit, award or other compensation or to transact official business involving the registrant or the registrant’s affairs.
8. A family member, or relative of the registrant engaged in research for genealogical purposes who provides proof of relation to the registrant.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-404. Eligibility for certified copy of birth certificate for adoption agencies and private attorneys

A certified copy containing all information on a birth certificate, including a birth certificate for a birth out of wedlock, except the medical and health data section, may be issued to an adoption agency or a private attorney upon submission of certified copies of court records, which establish that:

1. An adoption of the registrant is pending; and
2. The agency or private attorney represents the adoptive parents.

Historical Note

Former Section R9-19-404 repealed, new Section R9-19-404 adopted effective July 31, 1989 (Supp. 89-3).

R9-19-405. Eligibility for certified copy of death certificate

A certified copy of a death certificate may be issued to any applicant with a legal or other vital interest in the record or upon order of a court of competent jurisdiction. An applicant with a “legal or other vital interest” shall include:

1. The surviving spouse or other adult member of the deceased person’s immediate family or an attorney, funeral director or other person acting directly for them;
2. A city, county, state or federal governmental agency needing proof of death for official purposes;
3. An insurance company, bank, or hospital with which the deceased maintained business relations and which requires a death certificate for business purposes;
4. An attorney, executor of an estate or individual processing a claim regarding the estate of the deceased in connection with business matters involving the deceased for which the individual can show proof of interest and the need for a copy of the certificate;
5. A family member or relative engaged in research for genealogical purposes who provides proof of relation to the deceased;
6. A government or private agency or individual engaged in research for medical or scientific purposes; or

7. Any other applicant who provides a signed authorization to release the copy to the applicant from the surviving spouse or other adult member of the deceased’s immediate family.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-406. Eligibility for certified copy of fetal death certificate

A certified copy of a fetal death certificate may be issued to the parents of a fetus or to another person upon authorization from a parent.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-407. Authority to issue certified copies; certifications of birth

- A. Only the State Registrar and the county registrar of a Class A registration district shall issue certified copies of a vital record, or computer-generated certifications of birth. Certified copies may be issued only when the registrar has the original certificates in his custody. Computer-generated certifications of birth, issued by a Class A registration district, shall be issued from the data file maintained by the State Registrar and in accordance with the following:
 1. Copies shall be issued only to residents of the Class A registration district.
 2. Copies shall be issued only upon paper authorized by the State Registrar.
 3. A fee of five dollars shall be collected for each computer-generated certification issued. The fee shall be deposited with the county treasurer.
 4. An amount equal to one-third of the revenue collected from the issuance of computer-generated certifications of birth by Class A registration districts shall be sent to the State Registrar by the 15th day of the month following collection to support the state’s cost of maintaining the computerized record search system.
- B. Local registrars of all other registration districts shall not issue copies, certified or otherwise. Local registrars may receive or retain duplicate copies of forms for their administrative use but shall not release information from the forms to the public or to any individual except with permission of the State Registrar. Authorized representatives of the State Registrar may have access to the files in the conduct of official duties.

Historical Note

Amended effective June 15, 1984 (Supp. 84-3). Amended subsection (A), paragraph (2) effective August 31, 1988 (Supp. 88-3). Amended effective July 31, 1989 (Supp. 89-3).

R9-19-408. Standards for copies

- A. No certified copy which is a reproduction of a vital record form shall be valid unless it:
 1. Contains an appropriate certification statement over the signature of the registrar having custody of the record and is impressed with the raised seal of the issuing office. The signature may be photographed or entered by mechanical means.
 2. Is prepared by photographic or dry copy reproduction process. If prepared by standard photographic process, the copy shall not be smaller than one-half the size of the original and shall be printed only upon paper approved by the State Registrar. If prepared by dry copy process, heavy grade safety paper or specially treated paper

approved by the State Registrar shall be used. The paper shall display the official seal of the issuing agency, its parent political jurisdiction or the seal of the state. The seal shall be entered either by standard printing process or by watermark.

- B. The Office of Vital Records shall provide for reasonable safeguards against forgery, unauthorized reproduction or misuse of vital record forms.

Historical Note

Amended effective July 31, 1989 (Supp. 89-3).

R9-19-409. General conditions for release of information from vital records for research and other uses

- A. A copy of all or part of a vital record or information derived therefrom, including birth certificates for births out of wedlock, may be released to government agencies, hospitals, foundations, schools, social agencies and similar organizations or individuals for scientifically or medically-related statistical or research purposes. All such requests shall clearly identify the requesting agency or individual, state the number of copies needed, explain the objective of the study and contain a statement over the applicant's signature expressing familiarity with the confidentiality aspects of the records and his willingness to abide by all restrictions.
- B. The researcher shall not:
1. Disclose the name or address of any individual identified or any other personally identifiable information on a certificate in published results of the study or in communication with others;
 2. Contact any individuals named on a certificate without prior permission from the State Registrar;
 3. Deliver the information to other persons not connected with the study; or
 4. Use the information in any way so as to violate the privacy of any individual named on a certificate or cause embarrassment to the registrant or the registrant's family.
- C. Violations may cause the Department to bar the applicant from obtaining further assistance in issues relating to research of vital records. The applicant may also be subject to such other legal action as may be appropriate.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-409 repealed, new Section R9-19-409 renumbered from Section R9-19-410 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-410. Release of information to governmental agencies

When certified copies are not needed, certain facts on birth and death certificates may be furnished without charge to federal, state, county or municipal agencies for use in the conduct of their official duties. The State Registrar shall prescribe the forms to be used, manner of furnishing the information, assurances of confidentiality and other administrative arrangements. This work shall be secondary to other demands upon the Department. Where a request is of a continuing nature which extends over a long period of time or the number of requests from an agency is substantial, the State Registrar may require the requesting agency to furnish forms and pay all postage charges.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1).
Former Section R9-19-410 renumbered to R9-19-409, new Section R9-19-410 renumbered from Section R9-19-411 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-411. Identification of persons shown on vital records; prohibition

Information from vital records identifying persons by name or address or through any other personally identifiable information shall not be released except as provided by these rules. Under no circumstances shall such information be given to any organization or individual in order to solicit sale of a product, offer any service for compensation, locate persons named on the certificate, distribute partisan literature, use for political purposes or for any similar commercial use where the privacy of the individual would be compromised or invaded. The State Registrar is authorized to require a sworn statement of purpose in all such instances where it appears the information may be misused.

Historical Note

Former Section R9-19-411 renumbered to R9-19-410, new Section R9-19-411 renumbered from R9-19-412 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-412. Payment of Fees

Before the Department issues a copy of a vital record, the person requesting the copy shall pay any fee required in this Chapter by cash, cashier's check, certified check, money order, or credit card.

Historical Note

Former Section R9-19-412 renumbered to R9-19-411, new Section R9-19-412 renumbered from Section R9-19-413 and amended effective July 31, 1989 (Supp. 89-3).
Amended by final rulemaking at 9 A.A.R. 3798, effective October 4, 2003 (Supp. 03-3).

R9-19-413. Fee schedule

- A. The Department charges the following fees:
1. Fourteen dollars for each certified copy of a non-computer-generated birth certificate, or "certificate of no record" if the certificate is not on file.
 2. Nine dollars for each certified copy of a non-computer-generated death certificate, fetal death certificate, certificate of birth resulting in stillbirth, or a "certificate of no record" if the certificate is not on file.
 3. Nine dollars for each computer-generated birth certification or "certificate of no record" if the certificate is not on file.
 4. Thirteen dollars for each certified copy of an Affidavit of Acknowledgment of Paternity.
 5. For a record search, when the registrant's name, the date and place of birth or death, or other identifying information is not known, four dollars for the first ten years searched and three dollars for each additional year, not including the issuance of a certified copy if the certificate is found.
 6. Twenty-two dollars for applying to file a delayed certificate of birth, death, birth resulting in stillbirth, or fetal death, including one certified copy of the complete record.
 7. Twenty two dollars to file a new birth certificate following adoption, legitimation, paternity determination, or surgical alteration or to create a death certificate based on a court finding of death, including one certified copy of the new certificate.
 8. Twenty-two dollars for applying to file an amendment or supplement to a certificate showing judicial changes or major administrative changes that occur 90 days or more after date of the event, including one copy of the amended certificate.
 9. Twenty-two dollars for applying to file missing or omitted information or minor administrative changes one year

or more after the date of the event, including one certified copy of the amended certificate.

10. Three dollars for each noncertified copy of a certificate or for each search to verify birth or death data for statistical, medical, research, or administrative purposes.
 11. Except for state agencies, seventeen dollars for each search for a putative father in the putative fathers registry.
- B.** The Department shall determine the fee and method of payment on a one-by-one basis for searches for scientific, medical, statistical, or research purposes based upon the cost of computer time, employee time, postage, and material used.
- C.** In addition to the fees charged in subsection (A), the Department shall charge an additional surcharge of one dollar for each certified copy of a birth certificate or death certificate, as required in A.R.S. § 36-342.
- D.** The Department shall not charge a fee to physicians, hospitals, medical examiners, or funeral directors who submit information at any time to correct errors or otherwise add to the completion of a certificate.

Historical Note

Amended effective February 20, 1980 (Supp. 80-1). Former Section R9-19-414 repealed, new Section R9-19-414 adopted effective June 15, 1984 (Supp. 84-3). Amended subsection (A) effective August 31, 1988 (Supp. 88-3). Former Section R9-19-413 renumbered to R9-19-412, new Section R9-19-413 renumbered from Section R9-19-414 and amended effective July 31, 1989 (Supp. 89-3). Amended effective February 12, 1996 (Supp. 96-1). Amended by exempt rulemaking at 8 A.A.R. 3850, effective August 22, 2002 (Supp. 02-3).

R9-19-414. Services without charge

- A.** Pursuant to the provisions of A.R.S. § 39-122(A), there shall be no charge for a search of the files or for a certified copy of a

vital record to be used in any claim against the U.S. Government for financial compensation for the following:

1. Social Security or similar retirement benefits;
 2. Allotments to dependents of military personnel on active service;
 3. Pensions to veterans of the armed forces or their survivors;
 4. Payments of U.S. Government or NSLI life insurance proceeds; or
 5. Any other claim which in the opinion of the State Registrar meets the general requirements of the statute.
- B.** The registrar may issue a certified copy without charge to any federal, state or local government agency when it can be determined that the record is to be used primarily for the benefit of the government agency in the transaction of official business.

Historical Note

Former Section R9-19-414 renumbered to R9-19-413, new Section R9-19-414 renumbered from Section R9-19-415 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-415. Accounting of collected fees

All fees collected by the State Registrar or a local registrar shall be handled in accordance with the provisions of A.R.S. § 36-342 and other applicable laws.

Historical Note

Former Section R9-19-415 renumbered to R9-19-414, new Section R9-19-415 renumbered from Section R9-19-416 and amended effective July 31, 1989 (Supp. 89-3).

R9-19-416. Renumbered

Historical Note

Former Section R9-19-416 renumbered to R9-19-415 effective July 31, 1989 (Supp. 89-3).